



UNITED STATES PATENT AND TRADEMARK OFFICE

29 JAN 2008

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32nd FLOOR
CHICAGO, IL 60606

In re Application of:	:	
BROPHY, Colleen, et al.	:	
U.S. Application No.: 10/575,294	:	DECISION ON REQUEST UNDER
PCT No.: PCT/US2004/034989	:	37 CFR 1.497(d)
International Filing Date: 15 October 2004	:	
Priority Date: 17 October 2003	:	
Attorney's Docket No.: 03-956-US	:	
For: NOVEL HEAT SHOCK PROTEIN 20-	:	
RELATED PEPTIDES AND USES	:	
THEREFOR	:	

This decision is issued in response to the "Request For Correction Of Inventorship Under 37 CFR 1.48(f)(1) and 1.497(d) and (f)" filed 05 October 2007. Applicant has submitted the required \$130 processing fee.

BACKGROUND

On 15 October 2004, applicants filed international application PCT/US2004/034989. The application claimed a priority date of 17 October 2003, and it designated the United States. The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 17 April 2006. The published international application identified six applicant/inventors for the United States.

On 12 April 2006, applicant filed a Transmittal Letter for entry into the national stage in the U.S. accompanied by, among other materials, payment of the basic national fee.

On 08 March 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "Notification Of Missing Requirements" (Form PCT/DO/EO/905) indicating that an oath or declaration acceptable under 37 CFR 1.497 and sequence listing materials were required.

On 01 May 2007, applicants filed a response to the Notification Of Missing Requirements. The response included sequence listing materials and a declaration.

On 12 July 2007, the DO/EO/US mailed a "Notification Of Defective Response" (Form PCT/DO/EO/916) indicating that the declaration filed 01 May 2007 was defective. Specifically, the declaration was not executed by one of the inventors of record (Lokesh JOSHI), it did not

include the citizenship of inventor Alyssa PANITCH, and it appeared to be an impermissible compilation of multiple documents.

On 05 October 2007, applicants filed revised declaration materials and the request to correct inventorship considered herein. The request seeks to remove Lokesh JOSHI as an inventor of record. The submission was accompanied by the required extension fee.

DISCUSSION

Where the applicants in a U.S. national stage application filed under 35 U.S.C. 371 seek to delete an inventor who was incorrectly listed as an inventor on the international application, 37 CFR 1.497(d) requires the applicants to submit: (1) a statement from each person being removed as an inventor that any error in inventorship in the international application occurred without deceptive intent; (2) the processing fee; (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (in the form required by 37 CFR 3.73(b)), and (4) any new oath or declaration required by paragraph (f) of 37 CFR 1.497(d) (it is noted that item (4) does not apply to the present application).

Applicant here has submitted the required statement of non-deceptive intent from the inventor to be removed, Lokesh JOSHI. Item (1) is therefore satisfied.

Applicant has also submitted the required \$130 processing fee. Item (2) is therefore satisfied.

Regarding item (3) above, applicant has submitted the written consent of the assignee to the correction in inventorship, and such statement of consent complies with the requirements of 37 CFR 3.73(b). Item (3) is therefore satisfied.

Based on the above, applicant has satisfied the requirements of 37 CFR 1.497(d). The inventorship of record herein is therefore appropriately corrected to delete Lokesh JOSHI as an inventor of record.

The present submission includes copies of the complete three-page declarations executed by each of the remaining inventors of record. These declaration documents are acceptable under 37 CFR 1.497.

CONCLUSION

The request to correct inventorship under 37 CFR 1.497(d) is **GRANTED**.

The inventorship of record herein is corrected to delete Lokesh JOSHI as an inventor of record.

In view of the above correction of inventorship, the revised declaration materials filed 05 October 2007 are now acceptable in compliance with 37 CFR 1.497.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 05 October 2007.

A handwritten signature in black ink, appearing to read 'R M Ross'.

Richard M. Ross
Attorney Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459